

DO NOT ENTER: /O.F.S./

08/17/2009

JUL 17 2009

**United States Patent and Trademark Office**

Examiner: Flores Sanchez, O. Art Unit: 3724

Docket No. 3622

In re:

Applicant: BOHNE, U.

Serial No.: 10/574,683

Filed: April 4, 2006

**DECLARATION OF FACTS IN ACCORDANCE WITH RULE 132**

July 14, 2009

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

I, ULRICH BOHNE, residing at Zollernstr. 24, 72664 Kohlberg,  
Germany, declare herewith the following:

I am the inventor of the invention "DEVICE FOR FASTENING A  
TOOL TO A DRIVE SHAFT OF A HAND-HELD POWER TOOL DRIVABLE IN A  
OSCILLATING MANNER", disclosed in U.S. Patent Application Serial No.  
10/574,683 filed on April 4, 2006.

I familiarized myself with the Office Action issued by the United States Patent and Trademark Office on April 17, 2009, and the references applied by the Examiner against the claims, namely the U.S. patent to Raines (5,366,312), the U.S. patent to Trott (5,729,904), the U.S. patent to Hutchins (5,694,693), the U.S. patent to Goris (5,496,316), and U.S. patent to Jasch (6,796,888), and the grounds for rejection of the claims submitted in the Amendment of December 4, 2008 based on the above identified references.

In connection with this, I wish to present my opinion about the patentability of the present invention in view of the above-identified references applied by the Examiner against the claims.

Claim 1 defines a device comprising a centering element (10) and at least one form-locking element (12) for fastening an axially mountable oscillatingly drivable tool (14) to a drive shaft (16) of a hand-held power tool.

In the device in accordance with this invention, the form-locking element (12) is located radially outside the centering element (10), and a radius associated with one position of the form-locking element (12) is four times as large as the radius of the centering element (10). With this feature, a simple, compact and stable construction can be achieved. A simple and compact construction is possible since one can use an element, which is compact and easy to construct, as for example a blind bore, as a centering element. By

choosing the radius associated with one position of the form-locking element as four times as large as a radius of the centering element, it is possible to achieve a stable form-locking fastening in a circumferential direction, which is both compact and adequate for absorbing forces, that are typically exerted on oscillatingly drivable tools of a hand-held power tool during operation.

The patent to Raines applied by the Examiner against Claim 1 simply does not disclose this new feature of the present invention as defined in Claim 1, does not contain any hint, suggestion or motivation for this feature, and cannot provide for the highly advantageous results specified hereinabove, accomplished by the device of the present invention. The device of the present invention is, in my opinion, therefore new, highly advantageous, unobvious and patentable over the patent to Raines.

Claim 27 defines the above mentioned device with a centering element and at least one form-locking element for fastening an axially mountable oscillatingly drivable tool to a drive shaft of a hand-held power tool, in which the form-locking element is located radially outside the centering element, and more than eight form-locking elements are arranged.

With this feature, that more than eight form-locking elements are arranged, a flexible usability and a stable construction can be achieved. In particular, forces which are exerted on an oscillatingly drivable tool of a hand-

held power tool during a heavy-duty operation, can be safely absorbed by a bearing flange of the power tool without the damaging the tool or the bearing flange. In particular, tools can be used in a flexible way in combination with the device: with more than eight form-locking elements the tool can be fastened relative to the bearing flange in more than eight angular positions.

The patent to Raines applied by the Examiner against Claim 1 simply does not disclose this new feature of the present invention as defined in Claim 1, does not contain any hint, suggestion or motivation for this feature, and cannot provide for the highly advantageous results specified hereinabove, accomplished by the device of the present invention. The device of the present invention is therefore new, highly advantageous, unobvious and patentable over the patent to Raines.

Claim 18 specifically defines a tool (14) with a centering element (10) and a form-locking element (12') for axial mounting and fastening of a drive shaft (16) drivable in oscillating fashion of a hand-held power tool, wherein the form locking element (12') located radially outside the centering element has a quadrangular cross section.

The patent to Raines discloses a universal attachment assembly for securing saw blades to an actuator shaft of an oscillating surgical saw. The blades are held between a fixed receptor blade on the shaft and the selected

surface of a selected profiled mounting disk by a locking nut. The attachment assembly comprises a boss which extends through an aperture of the blade.

With the invention of Raines as a starting point, the task which underlies the invention is to provide a stable construction. This task is solved by constructing the form-locking element with a quadrangular cross section. Thereby a stable construction, in particular with respect to forces acting during an operation of the tool in a radial direction of the drive shaft can be achieved, since by the form-locking element with the quadrangular cross section, forces in the circumferential and a radial direction can be transferred to the bearing flange effectively.

The patent to Raines does not disclose any hint, suggestion, or motivation for a form-locking element with a quadrangular cross section, since it clearly discloses a tool with a form-locking element having exclusively a circular cross section.

The patent to Goris also does not disclose any hint, suggestion or motivation for this feature. The patent to Goris describes a clamp assembly for holding a blade in a powered bone saw, wherein the camp assembly comprises lugs with a quadrangular cross section. Claim 18 should be considered as defining the tool which is new, highly advantageous, unobvious and patentable over the prior art represented by the patent to Raines and patent to Goris.

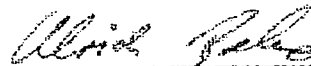
Claim 30 defines a tool with a centering element and a form-locking element for axial mounting and fastening onto a drive shaft drivable in oscillating fashion of a hand-held power tool, in which the centering element and the form-locking element are arranged in the first tool part which is arranged in parallel to the second tool part which is connected to the first tool part via an inclined section.

With the invention disclosed in the patent to Raines as a starting point, the task underlying the present invention is to provide a construction which makes construction space available, especially construction space for components of a hand-held power tool. This task is solved by the above-mentioned new features of the present invention as defined in Claim 30. When the centering element and the form-locking element are arranged in a first tool part that is parallel to a second tool part connected to the first tool part via an inclined section, a construction is achieved which makes construction space available. In particular, the inclined section makes construction space available between the tool, especially the second tool part, and the hand-held power tool.

The U.S. patent to Raines does not provide any hint, suggestion or motivation for this feature. The U.S. patent to Goris also does not contain any hint, suggestion, or motivation for this feature. Therefore Claim 30 defines the tool which is new, highly advantageous, unobvious and patentable over the U.S. patents to Raines and Goris.

It is believed that the above listed claims should be considered as  
patentably distinguishing over the art and should be allowed.

Dated: 2009-07-15

  
\_\_\_\_\_  
ULRICH BOHNE